

As Introduced

**130th General Assembly
Regular Session
2013-2014**

S. B. No. 338

Senator Uecker

Cosponsor: Senator Obhof

—

A B I L L

To amend sections 109.731, 109.85, 109.86, 2923.124, 1
2923.125, 2923.126, 2923.1213, and 2923.13 and to 2
repeal section 2923.1210 of the Revised Code to 3
permit investigators of the Attorney General's 4
office to be authorized to go armed while 5
investigating nursing home, residential care 6
facility, long-term care facility, Medicaid 7
program, or patient abuse or neglect violations 8
and be exempt from concealed weapons prohibitions 9
in the same manner as sheriffs and police 10
officers; to expand the options for obtaining 11
relief from the disability under the offense of 12
having weapons while under disability; and to 13
modify the concealed handgun licensing law by 14
allowing nonresidents of Ohio to be issued a 15
standard license if they are employed in Ohio or a 16
temporary emergency license if they are 17
temporarily in the state, removing the six-year 18
look-back period from the competency certification 19
exemption for retired or honorably discharged 20
armed forces veterans, adding a competency 21
certification exemption for persons who have 22
completed training at the Ohio Peace Officer 23

Training Academy or the annual firearms 24
recertification program, reducing the number of 25
hours of training required for the competency 26
certification, making a person ineligible for a 27
license if the person has an out-of-state license 28
that has been suspended for a reason similar to a 29
reason that triggers the suspension of an Ohio 30
license, repealing the statutory license 31
application form and instead requiring the 32
Attorney General to prescribe a form and make it 33
available to sheriffs and online, exempting from 34
the license renewal requirement for a specified 35
period a person who is on active duty in the armed 36
forces or in service with the Peace Corps, 37
Volunteers in Service to America, or the U.S. 38
foreign service and is a licensee or who is the 39
spouse or dependent of such a person and is a 40
licensee, eliminating the authority for a lessor 41
of government land or premises to ban firearms or 42
concealed firearms from the land or premises, and 43
modifying the sanction for violating such a ban on 44
private land or premises posted by the owner. 45

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 109.731, 109.85, 109.86, 2923.124, 46
2923.125, 2923.126, 2923.1213, and 2923.13 of the Revised Code be 47
amended to read as follows: 48

Sec. 109.731. (A)~~(1)~~ ~~The Ohio peace officer training~~ 49
~~commission~~ attorney general shall prescribe, and shall make 50
available to sheriffs, ~~all of the following:~~ 51

~~(1)~~ ~~An~~ an application form that is to be used under section 52

2923.125 of the Revised Code by a person who applies for a 53
concealed handgun license and an application form that is to be 54
used under section 2923.125 of the Revised Code by a person who 55
applies for the renewal of a license of that nature, ~~both of which~~ 56
~~shall conform substantially to the forms prescribed in section~~ 57
~~2923.1210 of the Revised Code;~~ 58

(2) A. The attorney general shall design the form to enable 59
applicants to provide the information that is required by law to 60
be collected, and shall update the form as necessary. Burdens or 61
restrictions to obtaining a concealed handgun license that are not 62
expressly prescribed in law shall not be incorporated into the 63
form. The attorney general shall post a printable version of the 64
form on the web site of the attorney general and shall provide the 65
address of the web site to any person who requests the form. 66

(2) The Ohio peace officer training commission shall 67
prescribe, and shall make available to sheriffs, all of the 68
following: 69

(a) A form for the concealed handgun license that is to be 70
issued by sheriffs to persons who qualify for a concealed handgun 71
license under section 2923.125 of the Revised Code and that 72
conforms to the following requirements: 73

(a)(i) It has space for the licensee's full name, residence 74
address, and date of birth and for a color photograph of the 75
licensee. 76

(b)(ii) It has space for the date of issuance of the license, 77
its expiration date, its county of issuance, the name of the 78
sheriff who issues the license, and the unique combination of 79
letters and numbers that identify the county of issuance and the 80
license given to the licensee by the sheriff in accordance with 81
division (A)(4) of this section. 82

(c)(iii) It has space for the signature of the licensee and 83

the signature or a facsimile signature of the sheriff who issues 84
the license. 85

~~(d)~~(iv) It does not require the licensee to include serial 86
numbers of handguns, other identification related to handguns, or 87
similar data that is not pertinent or relevant to obtaining the 88
license and that could be used as a de facto means of registration 89
of handguns owned by the licensee. 90

~~(3)~~(b) A series of three-letter county codes that identify 91
each county in this state; 92

~~(4)~~(c) A procedure by which a sheriff shall give each 93
concealed handgun license, replacement concealed handgun license, 94
or renewal concealed handgun license and each concealed handgun 95
license on a temporary emergency basis or replacement license on a 96
temporary emergency basis the sheriff issues under section 97
2923.125 or 2923.1213 of the Revised Code a unique combination of 98
letters and numbers that identifies the county in which the 99
license was issued and that uses the county code and a unique 100
number for each license the sheriff of that county issues; 101

~~(5)~~(d) A form for a concealed handgun license on a temporary 102
emergency basis that is to be issued by sheriffs to persons who 103
qualify for such a license under section 2923.1213 of the Revised 104
Code, which form shall conform to all the requirements set forth 105
in divisions (A)(2)(a)(i) to ~~(d)~~(iv) of this section and shall 106
additionally conspicuously specify that the license is issued on a 107
temporary emergency basis and the date of its issuance. 108

(B)(1) The Ohio peace officer training commission, in 109
consultation with the attorney general, shall prepare a pamphlet 110
that does all of the following, in everyday language: 111

(a) Explains the firearms laws of this state; 112

(b) Instructs the reader in dispute resolution and explains 113
the laws of this state related to that matter; 114

(c) Provides information to the reader regarding all aspects 115
of the use of deadly force with a firearm, including, but not 116
limited to, the steps that should be taken before contemplating 117
the use of, or using, deadly force with a firearm, possible 118
alternatives to using deadly force with a firearm, and the law 119
governing the use of deadly force with a firearm. 120

(2) The attorney general shall consult with and assist the 121
commission in the preparation of the pamphlet described in 122
division (B)(1) of this section and, as necessary, shall recommend 123
to the commission changes in the pamphlet to reflect changes in 124
the law that are relevant to it. The attorney general shall 125
publish the pamphlet on the web site of the attorney general and 126
shall provide the address of the web site to any person who 127
requests the pamphlet. 128

(C) The Ohio peace officer training commission shall maintain 129
statistics with respect to the issuance, renewal, suspension, 130
revocation, and denial of concealed handgun licenses under section 131
2923.125 of the Revised Code and the suspension of processing of 132
applications for those licenses, and with respect to the issuance, 133
suspension, revocation, and denial of concealed handgun licenses 134
on a temporary emergency basis under section 2923.1213 of the 135
Revised Code, as reported by the sheriffs pursuant to division (C) 136
of section 2923.129 of the Revised Code. Not later than the first 137
day of March in each year, the commission shall submit a 138
statistical report to the governor, the president of the senate, 139
and the speaker of the house of representatives indicating the 140
number of concealed handgun licenses that were issued, renewed, 141
suspended, revoked, and denied under section 2923.125 of the 142
Revised Code in the previous calendar year, the number of 143
applications for those licenses for which processing was suspended 144
in accordance with division (D)(3) of that section in the previous 145
calendar year, and the number of concealed handgun licenses on a 146

temporary emergency basis that were issued, suspended, revoked, or 147
denied under section 2923.1213 of the Revised Code in the previous 148
calendar year. Nothing in the statistics or the statistical report 149
shall identify, or enable the identification of, any individual 150
who was issued or denied a license, for whom a license was 151
renewed, whose license was suspended or revoked, or for whom 152
application processing was suspended. The statistics and the 153
statistical report are public records for the purpose of section 154
149.43 of the Revised Code. 155

(D) As used in this section, "concealed handgun license" and 156
"handgun" have the same meanings as in section 2923.11 of the 157
Revised Code. 158

Sec. 109.85. (A) Upon the written request of the governor, 159
the general assembly, the auditor of state, the medicaid director, 160
the director of health, or the director of budget and management, 161
or upon the attorney general's becoming aware of criminal or 162
improper activity related to Chapter 3721. of the Revised Code and 163
the medicaid program, the attorney general shall investigate any 164
criminal or civil violation of law related to Chapter 3721. of the 165
Revised Code or the medicaid program. 166

(B) When it appears to the attorney general, as a result of 167
an investigation under division (A) of this section, that there is 168
cause to prosecute for the commission of a crime or to pursue a 169
civil remedy, the attorney general may refer the evidence to the 170
prosecuting attorney having jurisdiction of the matter, or to a 171
regular grand jury drawn and impaneled pursuant to sections 172
2939.01 to 2939.24 of the Revised Code, or to a special grand jury 173
drawn and impaneled pursuant to section 2939.17 of the Revised 174
Code, or the attorney general may initiate and prosecute any 175
necessary criminal or civil actions in any court or tribunal of 176
competent jurisdiction in this state. When proceeding under this 177

section, the attorney general, and any assistant or special 178
counsel designated by the attorney general for that purpose, have 179
all rights, privileges, and powers of prosecuting attorneys. The 180
attorney general shall have exclusive supervision and control of 181
all investigations and prosecutions initiated by the attorney 182
general under this section. The forfeiture provisions of Chapter 183
2981. of the Revised Code apply in relation to any such criminal 184
action initiated and prosecuted by the attorney general. 185

(C) Nothing in this section shall prevent a county 186
prosecuting attorney from investigating and prosecuting criminal 187
activity related to Chapter 3721. of the Revised Code and the 188
medicaid program. The forfeiture provisions of Chapter 2981. of 189
the Revised Code apply in relation to any prosecution of criminal 190
activity related to the medicaid program undertaken by the 191
prosecuting attorney. 192

Investigators conducting an investigation pursuant to this 193
section may be authorized to go armed while conducting an 194
investigation under this section and if so authorized are exempt 195
from section 2923.12 of the Revised Code in the same manner as 196
sheriffs and regularly appointed police officers. 197

Sec. 109.86. (A) The attorney general shall investigate any 198
activity the attorney general has reasonable cause to believe is 199
in violation of section 2903.34 of the Revised Code. Upon written 200
request of the governor, the general assembly, the auditor of 201
state, or the director of health, job and family services, aging, 202
mental health and addiction services, or developmental 203
disabilities, the attorney general shall investigate any activity 204
these persons believe is in violation of section 2903.34 of the 205
Revised Code. If after an investigation the attorney general has 206
probable cause to prosecute for the commission of a crime, the 207
attorney general shall refer the evidence to the prosecuting 208

attorney, director of law, or other similar chief legal officer 209
having jurisdiction over the matter. If the prosecuting attorney 210
decides to present the evidence to a grand jury, the prosecuting 211
attorney shall notify the attorney general in writing of the 212
decision within thirty days after referral of the matter and shall 213
present the evidence prior to the discharge of the next regular 214
grand jury. If the director of law or other chief legal officer 215
decides to prosecute the case, the director or officer shall 216
notify the attorney general in writing of the decision within 217
thirty days and shall initiate prosecution within sixty days after 218
the matter was referred to the director or officer. 219

(B) If the prosecuting attorney, director of law, or other 220
chief legal officer fails to notify the attorney general or to 221
present evidence or initiate prosecution in accordance with 222
division (A) of this section, the attorney general may present the 223
evidence to a regular grand jury drawn and impaneled pursuant to 224
sections 2939.01 to 2939.24 of the Revised Code, or to a special 225
grand jury drawn and impaneled pursuant to section 2939.17 of the 226
Revised Code, or the attorney general may initiate and prosecute 227
any action in any court or tribunal of competent jurisdiction in 228
this state. The attorney general, and any assistant or special 229
counsel designated by the attorney general, have all the powers of 230
a prosecuting attorney, director of law, or other chief legal 231
officer when proceeding under this section. Nothing in this 232
section shall limit or prevent a prosecuting attorney, director of 233
law, or other chief legal officer from investigating and 234
prosecuting criminal activity committed against a resident or 235
patient of a care facility. 236

Investigators conducting an investigation pursuant to this 237
section may be authorized to go armed while conducting an 238
investigation under this section and if so authorized are exempt 239
from section 2923.12 of the Revised Code in the same manner as 240

sheriffs and regularly appointed police officers. 241

Sec. 2923.124. As used in sections 2923.124 to 2923.1213 of 242
the Revised Code: 243

(A) "Application form" means the application form prescribed 244
pursuant to division (A)(1) of section 109.731 of the Revised Code 245
and includes a copy of that form. 246

(B) "Competency certification" and "competency certificate" 247
mean a document of the type described in division (B)(3) of 248
section 2923.125 of the Revised Code. 249

(C) "Detention facility" has the same meaning as in section 250
2921.01 of the Revised Code. 251

(D) "Licensee" means a person to whom a concealed handgun 252
license has been issued under section 2923.125 of the Revised Code 253
and, except when the context clearly indicates otherwise, includes 254
a person to whom a concealed handgun license on a temporary 255
emergency basis has been issued under section 2923.1213 of the 256
Revised Code and a person to whom a concealed handgun license has 257
been issued by another state. 258

(E) "License fee" or "license renewal fee" means the fee for 259
a concealed handgun license or the fee to renew that license that 260
~~is prescribed pursuant to division (C) of section 109.731 of the~~ 261
~~Revised Code and that~~ is to be paid by an applicant for a license 262
of that type. 263

(F) "Peace officer" has the same meaning as in section 264
2935.01 of the Revised Code. 265

(G) "State correctional institution" has the same meaning as 266
in section 2967.01 of the Revised Code. 267

(H) "Civil protection order" means a protection order issued, 268
or consent agreement approved, under section 2903.214 or 3113.31 269
of the Revised Code. 270

(I) "Temporary protection order" means a protection order issued under section 2903.213 or 2919.26 of the Revised Code.	271 272
(J) "Protection order issued by a court of another state" has the same meaning as in section 2919.27 of the Revised Code.	273 274
(K) "Child day-care center," "type A family day-care home" and "type B family day-care home" have the same meanings as in section 5104.01 of the Revised Code.	275 276 277
(L) "Foreign air transportation," "interstate air transportation," and "intrastate air transportation" have the same meanings as in 49 U.S.C. 40102, as now or hereafter amended.	278 279 280
(M) "Commercial motor vehicle" has the same meaning as in division (A) of section 4506.25 of the Revised Code.	281 282
(N) "Motor carrier enforcement unit" has the same meaning as in section 2923.16 of the Revised Code.	283 284
Sec. 2923.125. (A) This section applies with respect to the application for and issuance by this state of concealed handgun licenses other than concealed handgun licenses on a temporary emergency basis that are issued under section 2923.1213 of the Revised Code. Upon the request of a person who wishes to obtain a concealed handgun license with respect to which this section applies or to renew a concealed handgun license with respect to which this section applies, a sheriff, as provided in division (I) of this section, shall provide to the person free of charge an application form and the web site address at which <u>a printable version of the application form that can be downloaded and the pamphlet described in division (B) of section 109.731 of the Revised Code may be found. A sheriff shall accept a completed application form and the fee, items, materials, and information specified in divisions (B)(1) to (5) of this section at the times and in the manners described in division (I) of this section.</u>	285 286 287 288 289 290 291 292 293 294 295 296 297 298 299 300

(B) An applicant for a concealed handgun license ~~with respect~~ 301
~~to which this section applies who is a resident of this state~~ 302
shall submit a completed application form and all of the ~~following~~ 303
material and information described in divisions (B)(1) to (5) of 304
this section to the sheriff of the county in which the applicant 305
resides or to the sheriff of any county adjacent to the county in 306
which the applicant resides. An applicant for a license who 307
resides in another state shall submit a completed application form 308
and all of the material and information described in divisions 309
(B)(1) to (6) of this section to the sheriff of the county in 310
which the applicant is employed or to the sheriff of any county 311
adjacent to the county in which the applicant is employed. An 312
applicant shall submit the following material and information to 313
the specified sheriff: 314

(1)(a) A nonrefundable license fee as described in either of 315
the following: 316

(i) For an applicant who has been a resident of this state 317
for five or more years, a fee of sixty-seven dollars; 318

(ii) For an applicant who has been a resident of this state 319
for less than five years or who is not a resident of this state, 320
but who is employed in this state, a fee of sixty-seven dollars 321
plus the actual cost of having a background check performed by the 322
federal bureau of investigation. 323

(b) No sheriff shall require an applicant to pay for the cost 324
of a background check performed by the bureau of criminal 325
identification and investigation. 326

(c) A sheriff shall waive the payment of the license fee 327
described in division (B)(1)(a) of this section in connection with 328
an initial or renewal application for a license that is submitted 329
by an applicant who is a retired peace officer, a retired person 330
described in division (B)(1)(b) of section 109.77 of the Revised 331

Code, or a retired federal law enforcement officer who, prior to 332
retirement, was authorized under federal law to carry a firearm in 333
the course of duty, unless the retired peace officer, person, or 334
federal law enforcement officer retired as the result of a mental 335
disability. 336

(d) The sheriff shall deposit all fees paid by an applicant 337
under division (B)(1)(a) of this section into the sheriff's 338
concealed handgun license issuance fund established pursuant to 339
section 311.42 of the Revised Code. The county shall distribute 340
the fees in accordance with section 311.42 of the Revised Code. 341

(2) A color photograph of the applicant that was taken within 342
thirty days prior to the date of the application; 343

(3) One or more of the following competency certifications, 344
each of which shall reflect that, regarding a certification 345
described in division (B)(3)(a), (b), (c), (e), or (f) of this 346
section, within the three years immediately preceding the 347
application the applicant has performed that to which the 348
competency certification relates and that, regarding a 349
certification described in division (B)(3)(d) of this section, the 350
applicant currently is an active or reserve member of the armed 351
forces of the United States or ~~within the six years immediately~~ 352
~~preceding the application the~~ is a former member of the armed 353
forces of the United States and has retired from the armed forces 354
or has received an honorable discharge ~~or retirement to which the~~ 355
~~competency certification relates occurred:~~ 356

(a) An original or photocopy of a certificate of completion 357
of a firearms safety, training, or requalification or firearms 358
safety instructor course, class, or program that was offered by or 359
under the auspices of the national rifle association and that 360
complies with the requirements set forth in division (G) of this 361
section; 362

(b) An original or photocopy of a certificate of completion 363
of a firearms safety, training, or requalification or firearms 364
safety instructor course, class, or program that satisfies all of 365
the following criteria: 366

(i) It was open to members of the general public. 367

(ii) It utilized qualified instructors who were certified by 368
the national rifle association, the executive director of the Ohio 369
peace officer training commission pursuant to section 109.75 or 370
109.78 of the Revised Code, or a governmental official or entity 371
of another state. 372

(iii) It was offered by or under the auspices of a law 373
enforcement agency of this or another state or the United States, 374
a public or private college, university, or other similar 375
postsecondary educational institution located in this or another 376
state, a firearms training school located in this or another 377
state, or another type of public or private entity or organization 378
located in this or another state. 379

(iv) It complies with the requirements set forth in division 380
(G) of this section. 381

(c) An original or photocopy of a certificate of completion 382
of a state, county, municipal, or department of natural resources 383
peace officer training school that is approved by the executive 384
director of the Ohio peace officer training commission pursuant to 385
section 109.75 of the Revised Code and that complies with the 386
requirements set forth in division (G) of this section, or the 387
applicant has satisfactorily completed and been issued a 388
certificate of completion of a basic firearms training program, a 389
firearms requalification training program, or another basic 390
training program described in section 109.78 or 109.801 of the 391
Revised Code that complies with the requirements set forth in 392
division (G) of this section; 393

(d) A document that evidences both of the following: 394

(i) That the applicant is an active or reserve member of the 395
armed forces of the United States, has retired from or was 396
honorably discharged from military service in the active or 397
reserve armed forces of the United States, is a retired trooper of 398
the state highway patrol, or is a retired peace officer or federal 399
law enforcement officer described in division (B)(1) of this 400
section or a retired person described in division (B)(1)(b) of 401
section 109.77 of the Revised Code and division (B)(1) of this 402
section; 403

(ii) That, through participation in the military service or 404
through the former employment described in division (B)(3)(d)(i) 405
of this section, the applicant acquired experience with handling 406
handguns or other firearms, and the experience so acquired was 407
equivalent to training that the applicant could have acquired in a 408
course, class, or program described in division (B)(3)(a), (b), or 409
(c) of this section. 410

(e) A certificate or another similar document that evidences 411
satisfactory completion of a firearms training, safety, or 412
requalification or firearms safety instructor course, class, or 413
program that is not otherwise described in division (B)(3)(a), 414
(b), (c), or (d) of this section, that was conducted by an 415
instructor who was certified by an official or entity of the 416
government of this or another state or the United States or by the 417
national rifle association, and that complies with the 418
requirements set forth in division (G) of this section; 419

(f) An affidavit that attests to the applicant's satisfactory 420
completion of a course, class, or program described in division 421
(B)(3)(a), (b), (c), or (e) of this section and that is subscribed 422
by the applicant's instructor or an authorized representative of 423
the entity that offered the course, class, or program or under 424
whose auspices the course, class, or program was offered; 425

(g) A document that evidences that the applicant has 426
successfully completed either the Ohio peace officer training 427
program described in section 109.79 of the Revised Code or the 428
annual firearms requalification training program described in 429
section 109.801 of the Revised Code. 430

(4) A certification by the applicant that the applicant has 431
read the pamphlet prepared by the Ohio peace officer training 432
commission pursuant to section 109.731 of the Revised Code that 433
reviews firearms, dispute resolution, and use of deadly force 434
matters. 435

(5) A set of fingerprints of the applicant provided as 436
described in section 311.41 of the Revised Code through use of an 437
electronic fingerprint reading device or, if the sheriff to whom 438
the application is submitted does not possess and does not have 439
ready access to the use of such a reading device, on a standard 440
impression sheet prescribed pursuant to division (C)(2) of section 441
109.572 of the Revised Code. 442

(6) If the applicant resides in another state, adequate proof 443
of employment in Ohio. 444

(C) Upon receipt of the completed application form, 445
supporting documentation, and, if not waived, license fee of an 446
applicant under this section, a sheriff, in the manner specified 447
in section 311.41 of the Revised Code, shall conduct or cause to 448
be conducted the criminal records check and the incompetency 449
records check described in section 311.41 of the Revised Code. 450

(D)(1) Except as provided in division (D)(3) ~~or (4)~~ of this 451
section, within forty-five days after a sheriff's receipt of an 452
applicant's completed application form for a concealed handgun 453
license under this section, the supporting documentation, and, if 454
not waived, the license fee, the sheriff shall make available 455
through the law enforcement automated data system in accordance 456

with division (H) of this section the information described in 457
that division and, upon making the information available through 458
the system, shall issue to the applicant a concealed handgun 459
license that shall expire as described in division (D)(2)(a) of 460
this section if all of the following apply: 461

(a) The applicant is legally living in the United States, ~~has~~ 462
~~been a resident of this state for at least forty five days, and~~ 463
~~has been a resident of the county in which the person seeks the~~ 464
~~license or a county adjacent to the county in which the person~~ 465
~~seeks the license for at least thirty days.~~ For purposes of 466
division (D)(1)(a) of this section: 467

(i) ~~If, if~~ a person is absent from the United States, ~~from~~ 468
~~this state, or from a particular county in this state in~~ 469
compliance with military or naval orders as an active or reserve 470
member of the armed forces of the United States and if prior to 471
leaving ~~this state in compliance with those orders~~ the United 472
States the person was legally living in the United States ~~and was~~ 473
~~a resident of this state,~~ the person, solely by reason of that 474
absence, shall not be considered to have lost the person's status 475
as living in the United States ~~or the person's residence in this~~ 476
~~state or in the county in which the person was a resident prior to~~ 477
~~leaving this state in compliance with those orders, without regard~~ 478
~~to whether or not the person intends to return to this state or to~~ 479
~~that county, shall not be considered to have acquired a residence~~ 480
~~in any other state, and shall not be considered to have become a~~ 481
~~resident of any other state.~~ 482

(ii) ~~If a person is present in this state in compliance with~~ 483
~~military or naval orders as an active or reserve member of the~~ 484
~~armed forces of the United States for at least forty five days,~~ 485
~~the person shall be considered to have been a resident of this~~ 486
~~state for that period of at least forty five days, and, if a~~ 487
~~person is present in a county of this state in compliance with~~ 488

~~military or naval orders as an active or reserve member of the 489
armed forces of the United States for at least thirty days, the 490
person shall be considered to have been a resident of that county 491
for that period of at least thirty days. 492~~

(b) The applicant is at least twenty-one years of age. 493

(c) The applicant is not a fugitive from justice. 494

(d) The applicant is not under indictment for or otherwise 495
charged with a felony; an offense under Chapter 2925., 3719., or 496
4729. of the Revised Code that involves the illegal possession, 497
use, sale, administration, or distribution of or trafficking in a 498
drug of abuse; a misdemeanor offense of violence; or a violation 499
of section 2903.14 or 2923.1211 of the Revised Code. 500

(e) Except as otherwise provided in division (D)~~(5)~~(4) of 501
this section, the applicant has not been convicted of or pleaded 502
guilty to a felony or an offense under Chapter 2925., 3719., or 503
4729. of the Revised Code that involves the illegal possession, 504
use, sale, administration, or distribution of or trafficking in a 505
drug of abuse; has not been adjudicated a delinquent child for 506
committing an act that if committed by an adult would be a felony 507
or would be an offense under Chapter 2925., 3719., or 4729. of the 508
Revised Code that involves the illegal possession, use, sale, 509
administration, or distribution of or trafficking in a drug of 510
abuse; and has not been convicted of, pleaded guilty to, or 511
adjudicated a delinquent child for committing a violation of 512
section 2903.13 of the Revised Code when the victim of the 513
violation is a peace officer, regardless of whether the applicant 514
was sentenced under division (C)(4) of that section. 515

(f) Except as otherwise provided in division (D)~~(5)~~(4) of 516
this section, the applicant, within three years of the date of the 517
application, has not been convicted of or pleaded guilty to a 518
misdemeanor offense of violence other than a misdemeanor violation 519

of section 2921.33 of the Revised Code or a violation of section 520
2903.13 of the Revised Code when the victim of the violation is a 521
peace officer, or a misdemeanor violation of section 2923.1211 of 522
the Revised Code; and has not been adjudicated a delinquent child 523
for committing an act that if committed by an adult would be a 524
misdemeanor offense of violence other than a misdemeanor violation 525
of section 2921.33 of the Revised Code or a violation of section 526
2903.13 of the Revised Code when the victim of the violation is a 527
peace officer or for committing an act that if committed by an 528
adult would be a misdemeanor violation of section 2923.1211 of the 529
Revised Code. 530

(g) Except as otherwise provided in division (D)(1)(e) of 531
this section, the applicant, within five years of the date of the 532
application, has not been convicted of, pleaded guilty to, or 533
adjudicated a delinquent child for committing two or more 534
violations of section 2903.13 or 2903.14 of the Revised Code. 535

(h) Except as otherwise provided in division (D)~~(5)~~(4) of 536
this section, the applicant, within ten years of the date of the 537
application, has not been convicted of, pleaded guilty to, or 538
adjudicated a delinquent child for committing a violation of 539
section 2921.33 of the Revised Code. 540

(i) The applicant has not been adjudicated as a mental 541
defective, has not been committed to any mental institution, is 542
not under adjudication of mental incompetence, has not been found 543
by a court to be a mentally ill person subject to hospitalization 544
by court order, and is not an involuntary patient other than one 545
who is a patient only for purposes of observation. As used in this 546
division, "mentally ill person subject to hospitalization by court 547
order" and "patient" have the same meanings as in section 5122.01 548
of the Revised Code. 549

(j) The applicant is not currently subject to a civil 550
protection order, a temporary protection order, or a protection 551

order issued by a court of another state. 552

(k) The applicant certifies that the applicant desires a 553
legal means to carry a concealed handgun for defense of the 554
applicant or a member of the applicant's family while engaged in 555
lawful activity. 556

(l) The applicant submits a competency certification of the 557
type described in division (B)(3) of this section and submits a 558
certification of the type described in division (B)(4) of this 559
section regarding the applicant's reading of the pamphlet prepared 560
by the Ohio peace officer training commission pursuant to section 561
109.731 of the Revised Code. 562

(m) The applicant currently is not subject to a suspension 563
imposed under division (A)(2) of section 2923.128 of the Revised 564
Code of a concealed handgun license that previously was issued to 565
the applicant under this section or section 2923.1213 of the 566
Revised Code or a similar suspension imposed by another state 567
regarding a concealed handgun license issued by that state. 568

(n) If the applicant resides in another state, the applicant 569
is employed in this state. 570

(2)(a) A concealed handgun license that a sheriff issues 571
under division (D)(1) of this section shall expire five years 572
after the date of issuance. 573

If a sheriff issues a license under this section, the sheriff 574
shall place on the license a unique combination of letters and 575
numbers identifying the license in accordance with the procedure 576
prescribed by the Ohio peace officer training commission pursuant 577
to section 109.731 of the Revised Code. 578

(b) If a sheriff denies an application under this section 579
because the applicant does not satisfy the criteria described in 580
division (D)(1) of this section, the sheriff shall specify the 581
grounds for the denial in a written notice to the applicant. The 582

applicant may appeal the denial pursuant to section 119.12 of the Revised Code in the county served by the sheriff who denied the application. If the denial was as a result of the criminal records check conducted pursuant to section 311.41 of the Revised Code and if, pursuant to section 2923.127 of the Revised Code, the applicant challenges the criminal records check results using the appropriate challenge and review procedure specified in that section, the time for filing the appeal pursuant to section 119.12 of the Revised Code and this division is tolled during the pendency of the request or the challenge and review. If the court in an appeal under section 119.12 of the Revised Code and this division enters a judgment sustaining the sheriff's refusal to grant to the applicant a concealed handgun license, the applicant may file a new application beginning one year after the judgment is entered. If the court enters a judgment in favor of the applicant, that judgment shall not restrict the authority of a sheriff to suspend or revoke the license pursuant to section 2923.128 or 2923.1213 of the Revised Code or to refuse to renew the license for any proper cause that may occur after the date the judgment is entered. In the appeal, the court shall have full power to dispose of all costs.

(3) If the sheriff with whom an application for a concealed handgun license was filed under this section becomes aware that the applicant has been arrested for or otherwise charged with an offense that would disqualify the applicant from holding the license, the sheriff shall suspend the processing of the application until the disposition of the case arising from the arrest or charge.

~~(4) If the sheriff determines that the applicant is legally living in the United States and is a resident of the county in which the applicant seeks the license or of an adjacent county but does not yet meet the residency requirements described in division~~

~~(D)(1)(a) of this section, the sheriff shall not deny the license because of the residency requirements but shall not issue the license until the applicant meets those residency requirements.~~

(5) If an applicant has been convicted of or pleaded guilty to an offense identified in division (D)(1)(e), (f), or (h) of this section or has been adjudicated a delinquent child for committing an act or violation identified in any of those divisions, and if a court has ordered the sealing or expungement of the records of that conviction, guilty plea, or adjudication pursuant to sections 2151.355 to 2151.358, sections 2953.31 to 2953.36, or section 2953.37 of the Revised Code or a court has granted the applicant relief pursuant to section 2923.14 of the Revised Code from the disability imposed pursuant to section 2923.13 of the Revised Code relative to that conviction, guilty plea, or adjudication, the sheriff with whom the application was submitted shall not consider the conviction, guilty plea, or adjudication in making a determination under division (D)(1) or (F) of this section or, in relation to an application for a concealed handgun license on a temporary emergency basis submitted under section 2923.1213 of the Revised Code, in making a determination under division (B)(2) of that section.

(E) If a concealed handgun license issued under this section is lost or is destroyed, the licensee may obtain from the sheriff who issued that license a duplicate license upon the payment of a fee of fifteen dollars and the submission of an affidavit attesting to the loss or destruction of the license. The sheriff, in accordance with the procedures prescribed in section 109.731 of the Revised Code, shall place on the replacement license a combination of identifying numbers different from the combination on the license that is being replaced.

(F)(1) A (a) Except as provided in division (F)(1)(b) of this section, a licensee who wishes to renew a concealed handgun

license issued under this section shall do so not earlier than 647
ninety days before the expiration date of the license or at any 648
time after the expiration date of the license by filing with the 649
sheriff of the county in which the applicant resides or with the 650
sheriff of an adjacent county, or in the case of a applicant who 651
resides in another state with the sheriff of the county that 652
issued the applicant's previous concealed handgun license an 653
application for renewal of the license obtained pursuant to 654
division (D) of this section, a certification by the applicant 655
that, subsequent to the issuance of the license, the applicant has 656
reread the pamphlet prepared by the Ohio peace officer training 657
commission pursuant to section 109.731 of the Revised Code that 658
reviews firearms, dispute resolution, and use of deadly force 659
matters, and a nonrefundable license renewal fee in an amount 660
determined pursuant to division (F)(4) of this section unless the 661
fee is waived. 662

(b) A person on active duty in the armed forces of the United 663
States or in service with the peace corps, volunteers in service 664
to America, or the foreign service of the United States is exempt 665
from the license requirements of this section for the period of 666
the person's active duty or service and for six months thereafter, 667
provided the person was a licensee under this section at the time 668
the person commenced the person's active duty or service or had 669
obtained a license while on active duty or service. The spouse or 670
a dependent of any such person on active duty or in service also 671
is exempt from the license requirements of this section for the 672
period of the person's active duty or service and for six months 673
thereafter, provided the spouse or dependent was a licensee under 674
this section at the time the person commenced the active duty or 675
service or had obtained a license while the person was on active 676
duty or service, and provided further that the person's active 677
duty or service resulted in the spouse or dependent relocating 678
outside of this state during the period of the active duty or 679

service. This division does not prevent such a person or the 680
person's spouse or dependent from making an application for the 681
renewal of a concealed handgun license during the period of the 682
person's active duty or service. 683

(2) A sheriff shall accept a completed renewal application, 684
the license renewal fee, and the information specified in division 685
(F)(1) of this section at the times and in the manners described 686
in division (I) of this section. Upon receipt of a completed 687
renewal application, of certification that the applicant has 688
reread the specified pamphlet prepared by the Ohio peace officer 689
training commission, and of a license renewal fee unless the fee 690
is waived, a sheriff, in the manner specified in section 311.41 of 691
the Revised Code shall conduct or cause to be conducted the 692
criminal records check and the incompetency records check 693
described in section 311.41 of the Revised Code. The sheriff shall 694
renew the license if the sheriff determines that the applicant 695
continues to satisfy the requirements described in division (D)(1) 696
of this section, except that the applicant is not required to meet 697
the requirements of division (D)(1)(1) of this section. A renewed 698
license shall expire five years after the date of issuance. A 699
renewed license is subject to division (E) of this section and 700
sections 2923.126 and 2923.128 of the Revised Code. A sheriff 701
shall comply with divisions (D)(2) ~~to (4)~~ and (3) of this section 702
when the circumstances described in those divisions apply to a 703
requested license renewal. If a sheriff denies the renewal of a 704
concealed handgun license, the applicant may appeal the denial, or 705
challenge the criminal record check results that were the basis of 706
the denial if applicable, in the same manner as specified in 707
division (D)(2)(b) of this section and in section 2923.127 of the 708
Revised Code, regarding the denial of a license under this 709
section. 710

(3) A renewal application submitted pursuant to division (F) 711

of this section shall only require the licensee to list on the application form information and matters occurring since the date of the licensee's last application for a license pursuant to division (B) or (F) of this section. A sheriff conducting the criminal records check and the incompetency records check described in section 311.41 of the Revised Code shall conduct the check only from the date of the licensee's last application for a license pursuant to division (B) or (F) of this section through the date of the renewal application submitted pursuant to division (F) of this section.

(4) An applicant for a renewal concealed handgun license under this section shall submit to the sheriff of the county in which the applicant resides or to the sheriff of any county adjacent to the county in which the applicant resides, or in the case of an applicant who resides in another state to the sheriff of the county that issued the applicant's previous concealed handgun license, a nonrefundable license fee as described in either of the following:

(a) For an applicant who has been a resident of this state for five or more years, a fee of fifty dollars;

(b) For an applicant who has been a resident of this state for less than five years or who is not a resident of this state but who is employed in this state, a fee of fifty dollars plus the actual cost of having a background check performed by the federal bureau of investigation.

(G)(1) Each course, class, or program described in division (B)(3)(a), (b), (c), or (e) of this section shall provide to each person who takes the course, class, or program the web site address at which the pamphlet prepared by the Ohio peace officer training commission pursuant to section 109.731 of the Revised Code that reviews firearms, dispute resolution, and use of deadly force matters may be found. Each such course, class, or program

described in one of those divisions shall include at least ~~twelve~~ 744
eight hours of training in the safe handling and use of a firearm 745
that shall include training on all of the following: 746

~~(a) At least ten hours of training on the following matters:~~ 747

~~(i)~~ The ability to name, explain, and demonstrate the rules 748
for safe handling of a handgun and proper storage practices for 749
handguns and ammunition; 750

~~(ii)~~(b) The ability to demonstrate and explain how to handle 751
ammunition in a safe manner; 752

~~(iii)~~(c) The ability to demonstrate the knowledge, skills, 753
and attitude necessary to shoot a handgun in a safe manner; 754

~~(iv)~~(d) Gun handling training- 755

~~(b) At least two hours of training;~~ 756

(e) Training that consists of range time and live-fire 757
training. 758

(2) To satisfactorily complete the course, class, or program 759
described in division (B)(3)(a), (b), (c), or (e) of this section, 760
the applicant shall pass a competency examination that shall 761
include both of the following: 762

(a) A written section on the ability to name and explain the 763
rules for the safe handling of a handgun and proper storage 764
practices for handguns and ammunition; 765

(b) A physical demonstration of competence in the use of a 766
handgun and in the rules for safe handling and storage of a 767
handgun and a physical demonstration of the attitude necessary to 768
shoot a handgun in a safe manner. 769

(3) The competency certification described in division 770
(B)(3)(a), (b), (c), or (e) of this section shall be dated and 771
shall attest that the course, class, or program the applicant 772
successfully completed met the requirements described in division 773

(G)(1) of this section and that the applicant passed the 774
competency examination described in division (G)(2) of this 775
section. 776

(H) Upon deciding to issue a concealed handgun license, 777
deciding to issue a replacement concealed handgun license, or 778
deciding to renew a concealed handgun license pursuant to this 779
section, and before actually issuing or renewing the license, the 780
sheriff shall make available through the law enforcement automated 781
data system all information contained on the license. If the 782
license subsequently is suspended under division (A)(1) or (2) of 783
section 2923.128 of the Revised Code, revoked pursuant to division 784
(B)(1) of section 2923.128 of the Revised Code, or lost or 785
destroyed, the sheriff also shall make available through the law 786
enforcement automated data system a notation of that fact. The 787
superintendent of the state highway patrol shall ensure that the 788
law enforcement automated data system is so configured as to 789
permit the transmission through the system of the information 790
specified in this division. 791

(I) A sheriff shall accept a completed application form or 792
renewal application, and the fee, items, materials, and 793
information specified in divisions (B)(1) to (5) or division (F) 794
of this section, whichever is applicable, and shall provide an 795
application form or renewal application to any person during at 796
least fifteen hours a week and shall provide the web site address 797
at which a printable version of the application form that can be 798
downloaded and the pamphlet described in division (B) of section 799
109.731 of the Revised Code may be found at any time, upon 800
request. The sheriff shall post notice of the hours during which 801
the sheriff is available to accept or provide the information 802
described in this division. 803

Sec. 2923.126. (A) A concealed handgun license that is issued 804

under section 2923.125 of the Revised Code shall expire five years 805
after the date of issuance. A licensee who has been issued a 806
license under that section shall be granted a grace period of 807
thirty days after the licensee's license expires during which the 808
licensee's license remains valid. Except as provided in divisions 809
(B) and (C) of this section, a licensee who has been issued a 810
concealed handgun license under section 2923.125 or 2923.1213 of 811
the Revised Code may carry a concealed handgun anywhere in this 812
state if the licensee also carries a valid license and valid 813
identification when the licensee is in actual possession of a 814
concealed handgun. The licensee shall give notice of any change in 815
the licensee's residence address to the sheriff who issued the 816
license within forty-five days after that change. 817

If a licensee is the driver or an occupant of a motor vehicle 818
that is stopped as the result of a traffic stop or a stop for 819
another law enforcement purpose and if the licensee is 820
transporting or has a loaded handgun in the motor vehicle at that 821
time, the licensee shall promptly inform any law enforcement 822
officer who approaches the vehicle while stopped that the licensee 823
has been issued a concealed handgun license and that the licensee 824
currently possesses or has a loaded handgun; the licensee shall 825
not knowingly disregard or fail to comply with lawful orders of a 826
law enforcement officer given while the motor vehicle is stopped, 827
knowingly fail to remain in the motor vehicle while stopped, or 828
knowingly fail to keep the licensee's hands in plain sight after 829
any law enforcement officer begins approaching the licensee while 830
stopped and before the officer leaves, unless directed otherwise 831
by a law enforcement officer; and the licensee shall not knowingly 832
have contact with the loaded handgun by touching it with the 833
licensee's hands or fingers, in any manner in violation of 834
division (E) of section 2923.16 of the Revised Code, after any law 835
enforcement officer begins approaching the licensee while stopped 836
and before the officer leaves. Additionally, if a licensee is the 837

driver or an occupant of a commercial motor vehicle that is 838
stopped by an employee of the motor carrier enforcement unit for 839
the purposes defined in section 5503.04 of the Revised Code and if 840
the licensee is transporting or has a loaded handgun in the 841
commercial motor vehicle at that time, the licensee shall promptly 842
inform the employee of the unit who approaches the vehicle while 843
stopped that the licensee has been issued a concealed handgun 844
license and that the licensee currently possesses or has a loaded 845
handgun. 846

If a licensee is stopped for a law enforcement purpose and if 847
the licensee is carrying a concealed handgun at the time the 848
officer approaches, the licensee shall promptly inform any law 849
enforcement officer who approaches the licensee while stopped that 850
the licensee has been issued a concealed handgun license and that 851
the licensee currently is carrying a concealed handgun; the 852
licensee shall not knowingly disregard or fail to comply with 853
lawful orders of a law enforcement officer given while the 854
licensee is stopped or knowingly fail to keep the licensee's hands 855
in plain sight after any law enforcement officer begins 856
approaching the licensee while stopped and before the officer 857
leaves, unless directed otherwise by a law enforcement officer; 858
and the licensee shall not knowingly remove, attempt to remove, 859
grasp, or hold the loaded handgun or knowingly have contact with 860
the loaded handgun by touching it with the licensee's hands or 861
fingers, in any manner in violation of division (B) of section 862
2923.12 of the Revised Code, after any law enforcement officer 863
begins approaching the licensee while stopped and before the 864
officer leaves. 865

(B) A valid concealed handgun license does not authorize the 866
licensee to carry a concealed handgun in any manner prohibited 867
under division (B) of section 2923.12 of the Revised Code or in 868
any manner prohibited under section 2923.16 of the Revised Code. A 869

valid license does not authorize the licensee to carry a concealed 870
handgun into any of the following places: 871

(1) A police station, sheriff's office, or state highway 872
patrol station, premises controlled by the bureau of criminal 873
identification and investigation, a state correctional 874
institution, jail, workhouse, or other detention facility, an 875
airport passenger terminal, or an institution that is maintained, 876
operated, managed, and governed pursuant to division (A) of 877
section 5119.14 of the Revised Code or division (A)(1) of section 878
5123.03 of the Revised Code; 879

(2) A school safety zone if the licensee's carrying the 880
concealed handgun is in violation of section 2923.122 of the 881
Revised Code; 882

(3) A courthouse or another building or structure in which a 883
courtroom is located, in violation of section 2923.123 of the 884
Revised Code; 885

(4) Any premises or open air arena for which a D permit has 886
been issued under Chapter 4303. of the Revised Code if the 887
licensee's carrying the concealed handgun is in violation of 888
section 2923.121 of the Revised Code; 889

(5) Any premises owned or leased by any public or private 890
college, university, or other institution of higher education, 891
unless the handgun is in a locked motor vehicle or the licensee is 892
in the immediate process of placing the handgun in a locked motor 893
vehicle; 894

(6) Any church, synagogue, mosque, or other place of worship, 895
unless the church, synagogue, mosque, or other place of worship 896
posts or permits otherwise; 897

(7) A child day-care center, a type A family day-care home, 898
or a type B family day-care home, except that this division does 899
not prohibit a licensee who resides in a type A family day-care 900

home or a type B family day-care home from carrying a concealed 901
handgun at any time in any part of the home that is not dedicated 902
or used for day-care purposes, or from carrying a concealed 903
handgun in a part of the home that is dedicated or used for 904
day-care purposes at any time during which no children, other than 905
children of that licensee, are in the home; 906

(8) An aircraft that is in, or intended for operation in, 907
foreign air transportation, interstate air transportation, 908
intrastate air transportation, or the transportation of mail by 909
aircraft; 910

(9) Any building that is a government facility of this state 911
or a political subdivision of this state and that is not a 912
building that is used primarily as a shelter, restroom, parking 913
facility for motor vehicles, or rest facility and is not a 914
courthouse or other building or structure in which a courtroom is 915
located that is subject to division (B)(3) of this section; 916

(10) A place in which federal law prohibits the carrying of 917
handguns. 918

(C)(1) Nothing in this section shall negate or restrict a 919
rule, policy, or practice of a private employer that is not a 920
private college, university, or other institution of higher 921
education concerning or prohibiting the presence of firearms on 922
the private employer's premises or property, including motor 923
vehicles owned by the private employer. Nothing in this section 924
shall require a private employer of that nature to adopt a rule, 925
policy, or practice concerning or prohibiting the presence of 926
firearms on the private employer's premises or property, including 927
motor vehicles owned by the private employer. 928

(2)(a) A private employer shall be immune from liability in a 929
civil action for any injury, death, or loss to person or property 930
that allegedly was caused by or related to a licensee bringing a 931

handgun onto the premises or property of the private employer, 932
including motor vehicles owned by the private employer, unless the 933
private employer acted with malicious purpose. A private employer 934
is immune from liability in a civil action for any injury, death, 935
or loss to person or property that allegedly was caused by or 936
related to the private employer's decision to permit a licensee to 937
bring, or prohibit a licensee from bringing, a handgun onto the 938
premises or property of the private employer. As used in this 939
division, "private employer" includes a private college, 940
university, or other institution of higher education. 941

(b) A political subdivision shall be immune from liability in 942
a civil action, to the extent and in the manner provided in 943
Chapter 2744. of the Revised Code, for any injury, death, or loss 944
to person or property that allegedly was caused by or related to a 945
licensee bringing a handgun onto any premises or property owned, 946
leased, or otherwise under the control of the political 947
subdivision. As used in this division, "political subdivision" has 948
the same meaning as in section 2744.01 of the Revised Code. 949

(3)(a) Except as provided in division (C)(3)(b) of this 950
section, the owner or person in control of private land or 951
~~premises, and a private person or entity leasing land or premises~~ 952
~~owned by the state, the United States, or a political subdivision~~ 953
~~of the state or the United States,~~ may post a sign in a 954
conspicuous location on that land or on those premises prohibiting 955
persons from carrying firearms or concealed firearms on or onto 956
that land or those premises. Except as otherwise provided in this 957
division, a person who knowingly violates a posted prohibition of 958
that nature is guilty of criminal trespass in violation of 959
division (A)(4) of section 2911.21 of the Revised Code and is 960
guilty of a misdemeanor of the fourth degree. If a person 961
knowingly violates a posted prohibition of that nature and the 962
posted land or premises primarily was a parking lot or other 963

parking facility, the person is not guilty of criminal trespass ~~in~~ 964
~~violation of division (A)(4) of~~ under section 2911.21 of the 965
Revised Code or under any other criminal law of this state or 966
criminal law, ordinance, or resolution of a political subdivision 967
of this state, and instead is subject only to a civil cause of 968
action for trespass based on the violation. 969

(b) A landlord may not prohibit or restrict a tenant who is a 970
licensee and who on or after September 9, 2008, enters into a 971
rental agreement with the landlord for the use of residential 972
premises, and the tenant's guest while the tenant is present, from 973
lawfully carrying or possessing a handgun on those residential 974
premises. 975

(c) As used in division (C)(3) of this section: 976

(i) "Residential premises" has the same meaning as in section 977
5321.01 of the Revised Code, except "residential premises" does 978
not include a dwelling unit that is owned or operated by a college 979
or university. 980

(ii) "Landlord," "tenant," and "rental agreement" have the 981
same meanings as in section 5321.01 of the Revised Code. 982

(D) A person who holds a concealed handgun license issued by 983
another state that is recognized by the attorney general pursuant 984
to a reciprocity agreement entered into pursuant to section 109.69 985
of the Revised Code has the same right to carry a concealed 986
handgun in this state as a person who was issued a concealed 987
handgun license under section 2923.125 of the Revised Code and is 988
subject to the same restrictions that apply to a person who 989
carries a license issued under that section. 990

(E) A peace officer has the same right to carry a concealed 991
handgun in this state as a person who was issued a concealed 992
handgun license under section 2923.125 of the Revised Code. For 993
purposes of reciprocity with other states, a peace officer shall 994

be considered to be a licensee in this state. 995

(F)(1) A qualified retired peace officer who possesses a 996
retired peace officer identification card issued pursuant to 997
division (F)(2) of this section and a valid firearms 998
requalification certification issued pursuant to division (F)(3) 999
of this section has the same right to carry a concealed handgun in 1000
this state as a person who was issued a concealed handgun license 1001
under section 2923.125 of the Revised Code and is subject to the 1002
same restrictions that apply to a person who carries a license 1003
issued under that section. For purposes of reciprocity with other 1004
states, a qualified retired peace officer who possesses a retired 1005
peace officer identification card issued pursuant to division 1006
(F)(2) of this section and a valid firearms requalification 1007
certification issued pursuant to division (F)(3) of this section 1008
shall be considered to be a licensee in this state. 1009

(2)(a) Each public agency of this state or of a political 1010
subdivision of this state that is served by one or more peace 1011
officers shall issue a retired peace officer identification card 1012
to any person who retired from service as a peace officer with 1013
that agency, if the issuance is in accordance with the agency's 1014
policies and procedures and if the person, with respect to the 1015
person's service with that agency, satisfies all of the following: 1016

(i) The person retired in good standing from service as a 1017
peace officer with the public agency, and the retirement was not 1018
for reasons of mental instability. 1019

(ii) Before retiring from service as a peace officer with 1020
that agency, the person was authorized to engage in or supervise 1021
the prevention, detection, investigation, or prosecution of, or 1022
the incarceration of any person for, any violation of law and the 1023
person had statutory powers of arrest. 1024

(iii) At the time of the person's retirement as a peace 1025

officer with that agency, the person was trained and qualified to 1026
carry firearms in the performance of the peace officer's duties. 1027

(iv) Before retiring from service as a peace officer with 1028
that agency, the person was regularly employed as a peace officer 1029
for an aggregate of fifteen years or more, or, in the alternative, 1030
the person retired from service as a peace officer with that 1031
agency, after completing any applicable probationary period of 1032
that service, due to a service-connected disability, as determined 1033
by the agency. 1034

(b) A retired peace officer identification card issued to a 1035
person under division (F)(2)(a) of this section shall identify the 1036
person by name, contain a photograph of the person, identify the 1037
public agency of this state or of the political subdivision of 1038
this state from which the person retired as a peace officer and 1039
that is issuing the identification card, and specify that the 1040
person retired in good standing from service as a peace officer 1041
with the issuing public agency and satisfies the criteria set 1042
forth in divisions (F)(2)(a)(i) to (iv) of this section. In 1043
addition to the required content specified in this division, a 1044
retired peace officer identification card issued to a person under 1045
division (F)(2)(a) of this section may include the firearms 1046
requalification certification described in division (F)(3) of this 1047
section, and if the identification card includes that 1048
certification, the identification card shall serve as the firearms 1049
requalification certification for the retired peace officer. If 1050
the issuing public agency issues credentials to active law 1051
enforcement officers who serve the agency, the agency may comply 1052
with division (F)(2)(a) of this section by issuing the same 1053
credentials to persons who retired from service as a peace officer 1054
with the agency and who satisfy the criteria set forth in 1055
divisions (F)(2)(a)(i) to (iv) of this section, provided that the 1056
credentials so issued to retired peace officers are stamped with 1057

the word "RETIRED." 1058

(c) A public agency of this state or of a political 1059
subdivision of this state may charge persons who retired from 1060
service as a peace officer with the agency a reasonable fee for 1061
issuing to the person a retired peace officer identification card 1062
pursuant to division (F)(2)(a) of this section. 1063

(3) If a person retired from service as a peace officer with 1064
a public agency of this state or of a political subdivision of 1065
this state and the person satisfies the criteria set forth in 1066
divisions (F)(2)(a)(i) to (iv) of this section, the public agency 1067
may provide the retired peace officer with the opportunity to 1068
attend a firearms requalification program that is approved for 1069
purposes of firearms requalification required under section 1070
109.801 of the Revised Code. The retired peace officer may be 1071
required to pay the cost of the course. 1072

If a retired peace officer who satisfies the criteria set 1073
forth in divisions (F)(2)(a)(i) to (iv) of this section attends a 1074
firearms requalification program that is approved for purposes of 1075
firearms requalification required under section 109.801 of the 1076
Revised Code, the retired peace officer's successful completion of 1077
the firearms requalification program requalifies the retired peace 1078
officer for purposes of division (F) of this section for five 1079
years from the date on which the program was successfully 1080
completed, and the requalification is valid during that five-year 1081
period. If a retired peace officer who satisfies the criteria set 1082
forth in divisions (F)(2)(a)(i) to (iv) of this section 1083
satisfactorily completes such a firearms requalification program, 1084
the retired peace officer shall be issued a firearms 1085
requalification certification that identifies the retired peace 1086
officer by name, identifies the entity that taught the program, 1087
specifies that the retired peace officer successfully completed 1088
the program, specifies the date on which the course was 1089

successfully completed, and specifies that the requalification is 1090
valid for five years from that date of successful completion. The 1091
firearms requalification certification for a retired peace officer 1092
may be included in the retired peace officer identification card 1093
issued to the retired peace officer under division (F)(2) of this 1094
section. 1095

A retired peace officer who attends a firearms 1096
requalification program that is approved for purposes of firearms 1097
requalification required under section 109.801 of the Revised Code 1098
may be required to pay the cost of the program. 1099

(G) As used in this section: 1100

(1) "Qualified retired peace officer" means a person who 1101
satisfies all of the following: 1102

(a) The person satisfies the criteria set forth in divisions 1103
(F)(2)(a)(i) to (v) of this section. 1104

(b) The person is not under the influence of alcohol or 1105
another intoxicating or hallucinatory drug or substance. 1106

(c) The person is not prohibited by federal law from 1107
receiving firearms. 1108

(2) "Retired peace officer identification card" means an 1109
identification card that is issued pursuant to division (F)(2) of 1110
this section to a person who is a retired peace officer. 1111

(3) "Government facility of this state or a political 1112
subdivision of this state" means any of the following: 1113

(a) A building or part of a building that is owned or leased 1114
by the government of this state or a political subdivision of this 1115
state and where employees of the government of this state or the 1116
political subdivision regularly are present for the purpose of 1117
performing their official duties as employees of the state or 1118
political subdivision; 1119

(b) The office of a deputy registrar serving pursuant to Chapter 4503. of the Revised Code that is used to perform deputy registrar functions.

Sec. 2923.1213. (A) As used in this section:

(1) "Evidence of imminent danger" means any of the following:

(a) A statement sworn by the person seeking to carry a concealed handgun that is made under threat of perjury and that states that the person has reasonable cause to fear a criminal attack upon the person or a member of the person's family, such as would justify a prudent person in going armed;

(b) A written document prepared by a governmental entity or public official describing the facts that give the person seeking to carry a concealed handgun reasonable cause to fear a criminal attack upon the person or a member of the person's family, such as would justify a prudent person in going armed. Written documents of this nature include, but are not limited to, any temporary protection order, civil protection order, protection order issued by another state, or other court order, any court report, and any report filed with or made by a law enforcement agency or prosecutor.

(2) "Prosecutor" has the same meaning as in section 2935.01 of the Revised Code.

(B)(1) A person seeking a concealed handgun license on a temporary emergency basis shall submit to the sheriff of the county in which the person resides or in the case of a person who usually resides in another state, to the sheriff of the county in which the person is temporarily staying all of the following:

(a) Evidence of imminent danger to the person or a member of the person's family;

(b) A sworn affidavit that contains all of the information

required to be on the license and attesting that the person is 1150
legally living in the United States; is at least twenty-one years 1151
of age; is not a fugitive from justice; is not under indictment 1152
for or otherwise charged with an offense identified in division 1153
(D)(1)(d) of section 2923.125 of the Revised Code; has not been 1154
convicted of or pleaded guilty to an offense, and has not been 1155
adjudicated a delinquent child for committing an act, identified 1156
in division (D)(1)(e) of that section and to which division (B)(3) 1157
of this section does not apply; within three years of the date of 1158
the submission, has not been convicted of or pleaded guilty to an 1159
offense, and has not been adjudicated a delinquent child for 1160
committing an act, identified in division (D)(1)(f) of that 1161
section and to which division (B)(3) of this section does not 1162
apply; within five years of the date of the submission, has not 1163
been convicted of, pleaded guilty, or adjudicated a delinquent 1164
child for committing two or more violations identified in division 1165
(D)(1)(g) of that section; within ten years of the date of the 1166
submission, has not been convicted of, pleaded guilty, or 1167
adjudicated a delinquent child for committing a violation 1168
identified in division (D)(1)(h) of that section and to which 1169
division (B)(3) of this section does not apply; has not been 1170
adjudicated as a mental defective, has not been committed to any 1171
mental institution, is not under adjudication of mental 1172
incompetence, has not been found by a court to be a mentally ill 1173
person subject to hospitalization by court order, and is not an 1174
involuntary patient other than one who is a patient only for 1175
purposes of observation, as described in division (D)(1)(i) of 1176
that section; is not currently subject to a civil protection 1177
order, a temporary protection order, or a protection order issued 1178
by a court of another state, as described in division (D)(1)(j) of 1179
that section; and is not currently subject to a suspension imposed 1180
under division (A)(2) of section 2923.128 of the Revised Code of a 1181
concealed handgun license that previously was issued to the person 1182

or a similar suspension imposed by another state regarding a 1183
concealed handgun license issued by that state; 1184

(c) A nonrefundable temporary emergency license fee as 1185
described in either of the following: 1186

(i) For an applicant who has been a resident of this state 1187
for five or more years, a fee of fifteen dollars plus the actual 1188
cost of having a background check performed by the bureau of 1189
criminal identification and investigation pursuant to section 1190
311.41 of the Revised Code; 1191

(ii) For an applicant who has been a resident of this state 1192
for less than five years or who is not a resident of this state, 1193
but is temporarily staying in this state, a fee of fifteen dollars 1194
plus the actual cost of having background checks performed by the 1195
federal bureau of investigation and the bureau of criminal 1196
identification and investigation pursuant to section 311.41 of the 1197
Revised Code. 1198

(d) A set of fingerprints of the applicant provided as 1199
described in section 311.41 of the Revised Code through use of an 1200
electronic fingerprint reading device or, if the sheriff to whom 1201
the application is submitted does not possess and does not have 1202
ready access to the use of an electronic fingerprint reading 1203
device, on a standard impression sheet prescribed pursuant to 1204
division (C)(2) of section 109.572 of the Revised Code. If the 1205
fingerprints are provided on a standard impression sheet, the 1206
person also shall provide the person's social security number to 1207
the sheriff. 1208

(2) A sheriff shall accept the evidence of imminent danger, 1209
the sworn affidavit, the fee, and the set of fingerprints required 1210
under division (B)(1) of this section at the times and in the 1211
manners described in division (I) of this section. Upon receipt of 1212
the evidence of imminent danger, the sworn affidavit, the fee, and 1213

the set of fingerprints required under division (B)(1) of this 1214
section, the sheriff, in the manner specified in section 311.41 of 1215
the Revised Code, immediately shall conduct or cause to be 1216
conducted the criminal records check and the incompetency records 1217
check described in section 311.41 of the Revised Code. Immediately 1218
upon receipt of the results of the records checks, the sheriff 1219
shall review the information and shall determine whether the 1220
criteria set forth in divisions (D)(1)(a) to (j) and (m) of 1221
section 2923.125 of the Revised Code apply regarding the person. 1222
If the sheriff determines that all of criteria set forth in 1223
divisions (D)(1)(a) to (j) and (m) of section 2923.125 of the 1224
Revised Code apply regarding the person, the sheriff shall 1225
immediately make available through the law enforcement automated 1226
data system all information that will be contained on the 1227
temporary emergency license for the person if one is issued, and 1228
the superintendent of the state highway patrol shall ensure that 1229
the system is so configured as to permit the transmission through 1230
the system of that information. Upon making that information 1231
available through the law enforcement automated data system, the 1232
sheriff shall immediately issue to the person a concealed handgun 1233
license on a temporary emergency basis. 1234

If the sheriff denies the issuance of a license on a 1235
temporary emergency basis to the person, the sheriff shall specify 1236
the grounds for the denial in a written notice to the person. The 1237
person may appeal the denial, or challenge criminal records check 1238
results that were the basis of the denial if applicable, in the 1239
same manners specified in division (D)(2) of section 2923.125 and 1240
in section 2923.127 of the Revised Code, regarding the denial of 1241
an application for a concealed handgun license under that section. 1242

The license on a temporary emergency basis issued under this 1243
division shall be in the form, and shall include all of the 1244
information, described in divisions (A)(2)(a) and ~~(5)~~(d) of 1245

section 109.731 of the Revised Code, and also shall include a 1246
unique combination of identifying letters and numbers in 1247
accordance with division (A)~~(4)~~(2)(c) of that section. 1248

The license on a temporary emergency basis issued under this 1249
division is valid for ninety days and may not be renewed. A person 1250
who has been issued a license on a temporary emergency basis under 1251
this division shall not be issued another license on a temporary 1252
emergency basis unless at least four years has expired since the 1253
issuance of the prior license on a temporary emergency basis. 1254

(3) If a person seeking a concealed handgun license on a 1255
temporary emergency basis has been convicted of or pleaded guilty 1256
to an offense identified in division (D)(1)(e), (f), or (h) of 1257
section 2923.125 of the Revised Code or has been adjudicated a 1258
delinquent child for committing an act or violation identified in 1259
any of those divisions, and if a court has ordered the sealing or 1260
expungement of the records of that conviction, guilty plea, or 1261
adjudication pursuant to sections 2151.355 to 2151.358 or sections 1262
2953.31 to 2953.36 of the Revised Code or a court has granted the 1263
applicant relief pursuant to section 2923.14 of the Revised Code 1264
from the disability imposed pursuant to section 2923.13 of the 1265
Revised Code relative to that conviction, guilty plea, or 1266
adjudication, the conviction, guilty plea, or adjudication shall 1267
not be relevant for purposes of the sworn affidavit described in 1268
division (B)(1)(b) of this section, and the person may complete, 1269
and swear to the truth of, the affidavit as if the conviction, 1270
guilty plea, or adjudication never had occurred. 1271

(4) The sheriff shall waive the payment pursuant to division 1272
(B)(1)(c) of this section of the license fee in connection with an 1273
application that is submitted by an applicant who is a retired 1274
peace officer, a retired person described in division (B)(1)(b) of 1275
section 109.77 of the Revised Code, or a retired federal law 1276
enforcement officer who, prior to retirement, was authorized under 1277

federal law to carry a firearm in the course of duty, unless the 1278
retired peace officer, person, or federal law enforcement officer 1279
retired as the result of a mental disability. 1280

The sheriff shall deposit all fees paid by an applicant under 1281
division (B)(1)(c) of this section into the sheriff's concealed 1282
handgun license issuance fund established pursuant to section 1283
311.42 of the Revised Code. 1284

(C) A person who holds a concealed handgun license on a 1285
temporary emergency basis has the same right to carry a concealed 1286
handgun as a person who was issued a concealed handgun license 1287
under section 2923.125 of the Revised Code, and any exceptions to 1288
the prohibitions contained in section 1547.69 and sections 2923.12 1289
to 2923.16 of the Revised Code for a licensee under section 1290
2923.125 of the Revised Code apply to a licensee under this 1291
section. The person is subject to the same restrictions, and to 1292
all other procedures, duties, and sanctions, that apply to a 1293
person who carries a license issued under section 2923.125 of the 1294
Revised Code, other than the license renewal procedures set forth 1295
in that section. 1296

(D) A sheriff who issues a concealed handgun license on a 1297
temporary emergency basis under this section shall not require a 1298
person seeking to carry a concealed handgun in accordance with 1299
this section to submit a competency certificate as a prerequisite 1300
for issuing the license and shall comply with division (H) of 1301
section 2923.125 of the Revised Code in regards to the license. 1302
The sheriff shall suspend or revoke the license in accordance with 1303
section 2923.128 of the Revised Code. In addition to the 1304
suspension or revocation procedures set forth in section 2923.128 1305
of the Revised Code, the sheriff may revoke the license upon 1306
receiving information, verifiable by public documents, that the 1307
person is not eligible to possess a firearm under either the laws 1308
of this state or of the United States or that the person committed 1309

perjury in obtaining the license; if the sheriff revokes a license 1310
under this additional authority, the sheriff shall notify the 1311
person, by certified mail, return receipt requested, at the 1312
person's last known residence address that the license has been 1313
revoked and that the person is required to surrender the license 1314
at the sheriff's office within ten days of the date on which the 1315
notice was mailed. Division (H) of section 2923.125 of the Revised 1316
Code applies regarding any suspension or revocation of a concealed 1317
handgun license on a temporary emergency basis. 1318

(E) A sheriff who issues a concealed handgun license on a 1319
temporary emergency basis under this section shall retain, for the 1320
entire period during which the license is in effect, the evidence 1321
of imminent danger that the person submitted to the sheriff and 1322
that was the basis for the license, or a copy of that evidence, as 1323
appropriate. 1324

(F) If a concealed handgun license on a temporary emergency 1325
basis issued under this section is lost or is destroyed, the 1326
licensee may obtain from the sheriff who issued that license a 1327
duplicate license upon the payment of a fee of fifteen dollars and 1328
the submission of an affidavit attesting to the loss or 1329
destruction of the license. The sheriff, in accordance with the 1330
procedures prescribed in section 109.731 of the Revised Code, 1331
shall place on the replacement license a combination of 1332
identifying numbers different from the combination on the license 1333
that is being replaced. 1334

(G) ~~The Ohio peace officer training commission~~ attorney 1335
general shall prescribe, and shall make available to sheriffs, a 1336
standard form to be used under division (B) of this section by a 1337
person who applies for a concealed handgun license on a temporary 1338
emergency basis on the basis of imminent danger of a type 1339
described in division (A)(1)(a) of this section. The attorney 1340
general shall design the form to enable applicants to provide the 1341

information that is required by law to be collected, and shall 1342
update the form as necessary. Burdens or restrictions to obtaining 1343
a concealed handgun license that are not expressly prescribed in 1344
law shall not be incorporated into the form. The attorney general 1345
shall post a printable version of the form on the web site of the 1346
attorney general and shall provide the address of the web site to 1347
any person who requests the form. 1348

(H) A sheriff who receives any fees paid by a person under 1349
this section shall deposit all fees so paid into the sheriff's 1350
concealed handgun license issuance expense fund established under 1351
section 311.42 of the Revised Code. 1352

(I) A sheriff shall accept evidence of imminent danger, a 1353
sworn affidavit, the fee, and the set of fingerprints specified in 1354
division (B)(1) of this section at any time during normal business 1355
hours. In no case shall a sheriff require an appointment, or 1356
designate a specific period of time, for the submission or 1357
acceptance of evidence of imminent danger, a sworn affidavit, the 1358
fee, and the set of fingerprints specified in division (B)(1) of 1359
this section, or for the provision to any person of a standard 1360
form to be used for a person to apply for a concealed handgun 1361
license on a temporary emergency basis. 1362

Sec. 2923.13. (A) Unless relieved from disability ~~as provided~~ 1363
~~in section 2923.14 of the Revised Code~~ under operation of law or 1364
legal process, no person shall knowingly acquire, have, carry, or 1365
use any firearm or dangerous ordnance, if any of the following 1366
apply: 1367

(1) The person is a fugitive from justice. 1368

(2) The person is under indictment for or has been convicted 1369
of any felony offense of violence or has been adjudicated a 1370
delinquent child for the commission of an offense that, if 1371
committed by an adult, would have been a felony offense of 1372

violence. 1373

(3) The person is under indictment for or has been convicted 1374
of any felony offense involving the illegal possession, use, sale, 1375
administration, distribution, or trafficking in any drug of abuse 1376
or has been adjudicated a delinquent child for the commission of 1377
an offense that, if committed by an adult, would have been a 1378
felony offense involving the illegal possession, use, sale, 1379
administration, distribution, or trafficking in any drug of abuse. 1380

(4) The person is drug dependent, in danger of drug 1381
dependence, or a chronic alcoholic. 1382

(5) The person is under adjudication of mental incompetence, 1383
has been adjudicated as a mental defective, has been committed to 1384
a mental institution, has been found by a court to be a mentally 1385
ill person subject to hospitalization by court order, or is an 1386
involuntary patient other than one who is a patient only for 1387
purposes of observation. As used in this division, "mentally ill 1388
person subject to hospitalization by court order" and "patient" 1389
have the same meanings as in section 5122.01 of the Revised Code. 1390

(B) Whoever violates this section is guilty of having weapons 1391
while under disability, a felony of the third degree. 1392

Section 2. That existing sections 109.731, 109.85, 109.86, 1393
2923.124, 2923.125, 2923.126, 2923.1213, and 2923.13 and section 1394
2923.1210 of the Revised Code are hereby repealed. 1395

Section 3. Section 2923.124 of the Revised Code is presented 1396
in this act as a composite of the section as amended by both Am. 1397
Sub. H.B. 495 and Am. Sub. S.B. 316 of the 129th General Assembly. 1398
The General Assembly, applying the principle stated in division 1399
(B) of section 1.52 of the Revised Code that amendments are to be 1400
harmonized if reasonably capable of simultaneous operation, finds 1401
that the composite is the resulting version of the section in 1402

effect prior to the effective date of the section as presented in 1403
this act. 1404